



# FEDERAL AND STATE CIVIL RIGHTS REQUIREMENTS

KANSAS GOVERNOR'S GRANTS PROGRAM  
CIVIL RIGHTS TRAINING



# Federal and State Civil Rights Requirements

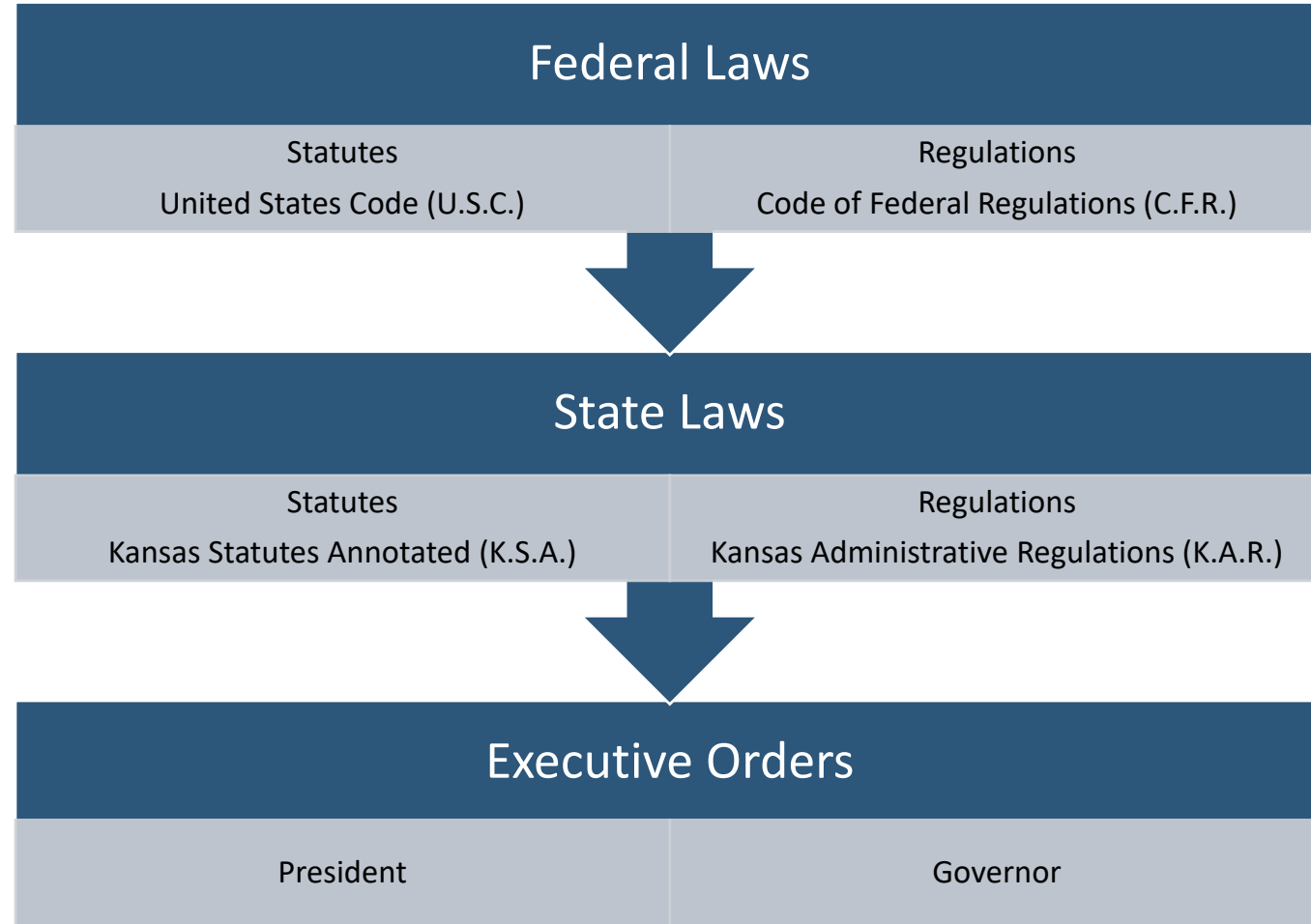
**PRESENTED BY**  
ERICA HAAS, ATTORNEY

# Notice of Prohibited Discrimination

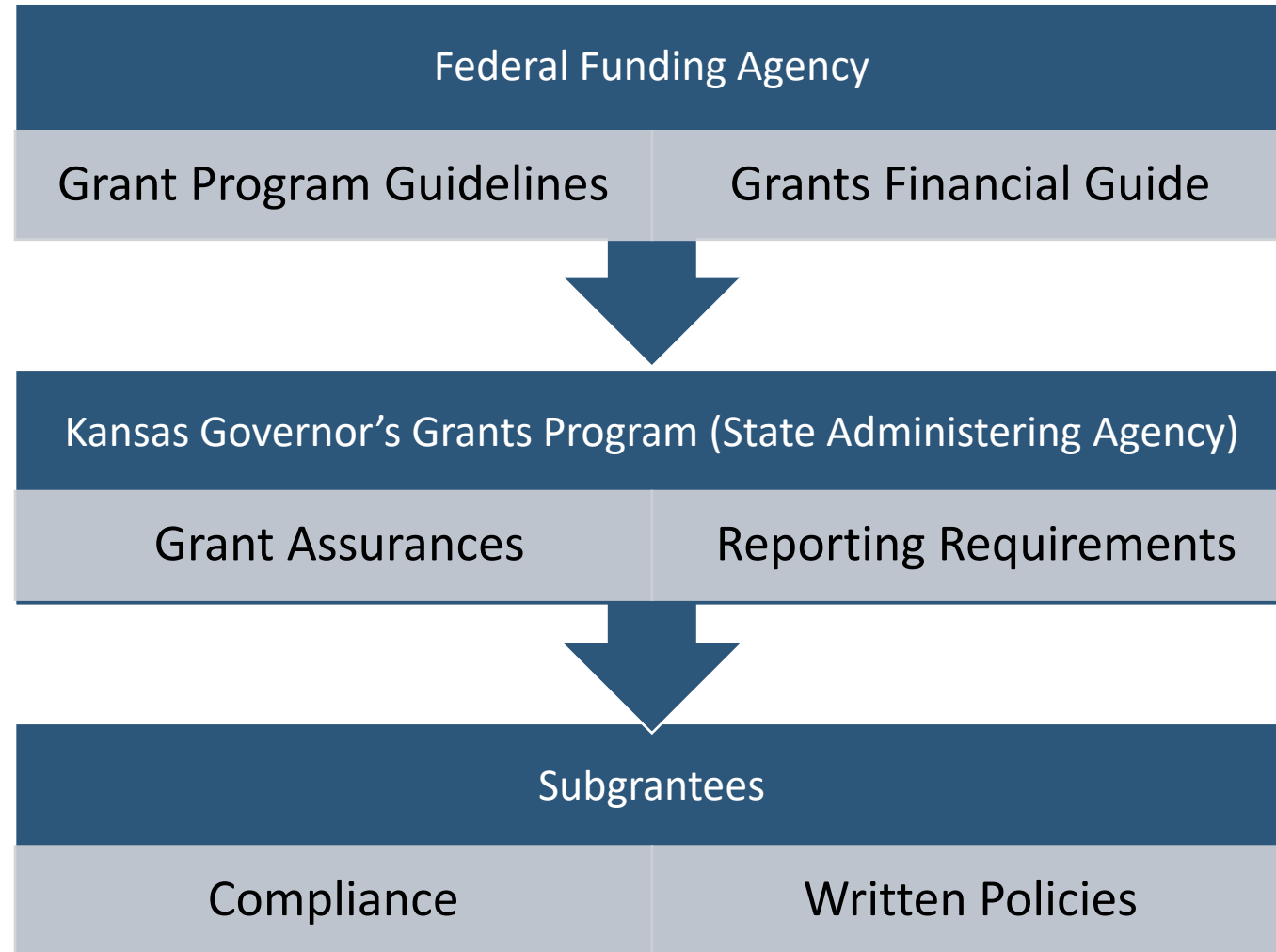
- It is the policy of the Kansas Governor's Grants Program that all individuals have the right to participate in employment, programs, and activities operated by this organization regardless of actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, gender identity, and age.
- Kansas EO 19-02: ancestry, military or veteran status, marital or family status, genetic information, political affiliation
- Kansas EO 18-04: Prohibits sexual harassment and retaliation
- [KGGP's Non-discrimination Policy: https://grants.ks.gov/about-us/kansas-governor-s-grants-program-\(kggp\)-non-discrimination-policy](https://grants.ks.gov/about-us/kansas-governor-s-grants-program-(kggp)-non-discrimination-policy)

# Authority for Grant Assurances

\*Not negotiable



# Authority for Grant Assurances



# Nondiscrimination Laws

- As a condition of grant funding, Subgrantees agrees to operate in compliance with the following statutes and regulations and all other regulations implementing the same:
  - Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;
  - The Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. §§ 10228(c) and 10221(a)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
  - Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
  - Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
  - Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54;

# Nondiscrimination Laws (continued)

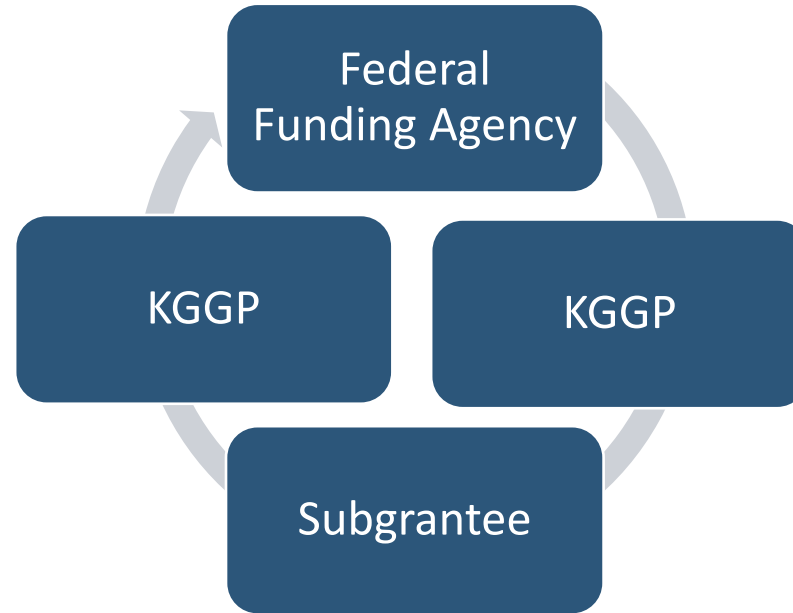
- The Age Discrimination Act of 1975 (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I;
- Executive Order 13,559, amending Executive Order 13279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits);
- Kansas EO 19-02: Employment practices, contract awards, and service delivery must not discriminate based on race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation; and
- Kansas EO 18-04: Comply with all state and federal employment discrimination laws prohibiting sexual harassment and retaliation in the workplace

# The Importance of Grant Assurances

- If Grantees (KGGP) do not comply with federal grant assurances, the federal awarding agency can withdraw the grant funding
- If Subgrantees do not comply with federal and state grant assurances, the federal and/or state awarding agency can withdraw the grant funding



# Subgrantee Compliance Grant Conditions



# Subgrantee Compliance Audit

- KGGP and the Subgrantee must be able to understand and explain all Subgrantee activities
  - DOCUMENTATION
    - If it isn't documented, it didn't happen



# Laws and Regulations Subgrantee Responsibilities

- Comply with all provisions of the Grant Assurances document.
- By signing the Grant Assurances, the Subgrantee documents compliance with all conditions as applicable to the project.
- Ensure that any partnering entity on this project also complies with all provisions of the Grant Assurances.

# Civil Rights and Nondiscrimination Subgrantee Responsibilities

Shall not discriminate on the basis of race, color, religion, national origin, sex, age, or disability (U.S.C.s)

Shall not discriminate on the basis of sexual orientation, gender identity or expression, ancestry, military or veteran status, marital or family status, genetic information, or political affiliation (Kansas EO 19-02)

Written non-discrimination policy

# Civil Rights and Nondiscrimination Written Policies

Notify beneficiaries and employees of non-discrimination

Notify beneficiaries and employees how to file a discrimination complaint (must include contact information)

Address how discrimination complaints from beneficiaries and employees will be processed

Designate a civil rights liaison (must include title and contact information)

# Civil Rights and Nondiscrimination Written Policies

Finding of discrimination  
by a state or federal  
administrative agency:  
notify KGGP and the  
federal funding agency

Train all employees  
annually and new  
employees upon  
employment

\*\*Laws

\*\*Subgrantee policy

Executive Orders:

18-04 Sexual harassment  
19-02 non-discrimination

# Annual Civil Rights Compliance Review

## Subgrantee Responsibilities

- Complete and return the Civil Rights Compliance Form with Grant Assurances (if a special condition)
- Include copies of Subgrantee's:
  - Non-discrimination policy;
  - Equal Employment Opportunity Program Verification Form and Utilization Report, if required; and
  - Limited English Proficiency policy.

# Annual Civil Rights Compliance Review Paraprofessional's Responsibilities

- Review Subgrantee's policies and EEOP **Verification Form and Utilization Report, if required**
- Special Condition
- Contact Subgrantee for more information, if needed
- Email Subgrantee when review is completed
- Open grant portal after review is completed
- **New Subgrantees only**



# Annual Civil Rights Compliance Review

*Required:* Civil Rights Form

*Suggested Resource:* Civil Rights Checklist

<https://www.grants.ks.gov/helpful-resources/federal-civil-rights-requirements>



# Equal Employment Opportunity Plan Updates and Changes

- EEOP Requirements
- Civil Rights Form
- Civil Rights Checklist

# Updates and Changes EEOP Requirement/Process Subgrantee Responsibilities

- Previous EEOP requirement/process
- Every two years, submit EEOP related information online to the Federal Office of Justice Programs, Office for Civil Rights
  - Reporting Tool
  - Submit the EEOP certification to the KGGP
- If required by state or federal law, formulate an EEOP and submit online to the Federal Office of Justice Programs, Office for Civil Rights
  - Reporting Tool
- New EEOP requirement/process
- Every year, enter EEOP related information in the online Federal Office of Justice Programs, Office for Civil Rights Subgrantee Report Builder
  - Subgrantee specific Report Builder
  - Submit the EEOP Verification form to the KGGP
- If required by state or federal law, formulate an EEOP Utilization Report using the online Federal Office of Justice Programs, Office for Civil Rights Report Builder and submit to KGGP
- **\*Verification forms and Utilization Reports are no longer submitted to the Office for Civil Rights**

# Updates and Changes EEOP Requirement/Process Subgrantee Responsibilities

Then  If	Does the subgrantee need to submit a Verification Form <b>to the KGGP?</b>	Does the subgrantee need to develop an EEOP Utilization Report?	Does the subgrantee need to submit an EEOP Utilization Report <b>to the KGGP?</b>
Subgrantee is a medical or educational institution, Indian Tribe, or Nonprofit	YES	NO	NO
Largest individual grant received is less than \$25,000	YES	NO	NO
Subgrantee has less than 50 employees	YES	NO	NO
None of the above	YES	YES	YES

Subgrantees do not submit EEOP Verification forms or EEOP Utilization Reports to the Office for Civil Rights

Kansas Governor's Grants Program - [www.grants.ks.gov](http://www.grants.ks.gov)

# Updates and Changes Civil Rights Form

**DOCUMENT SUBMISSION REQUIRED.** All subgrantees must provide an Equal Employment Opportunity Program (EEO) **Verification Form**, Limited English Proficiency (LEP) policy, and non-discrimination policy. If the LEP and non-discrimination policies are on file with KGGP and remain unchanged since submission, the policies do not have to be resubmitted. If applicable, provide the Board approval date of submitted policies and a copy of the subgrantee's EEO **Utilization Report**.

Return the completed Federal Civil Rights Compliance Form and a copy of the applicable documents **to** **KGGP** at [kggp@ks.gov](mailto:kggp@ks.gov).

# Updates and Changes Civil Rights Form

1. Has the subgrantee submitted an EEOP Verification Form **to the KGGP** claiming an exemption from preparing and submitting an EEOP Utilization Report? (Less than 50 employees; or nonprofit organization, Indian Tribe, educational institution, medical institution; or receiving no single award of \$25,000 or more.)  Yes  No

If yes, on what date did the agency submit the EEOP Verification Form **to KGGP**?

2. If the subgrantee is required to prepare an EEOP Utilization Report, has the subgrantee submitted it **to the KGGP**? (50 or more employees AND is receiving an individual grant of \$25,000 or more.)  Yes  No  N/A

If yes, on what date did the subgrantee submit the EEOP Verification Form **to KGGP** indicating it is required to prepare an EEOP Utilization Report?

If yes, on what date did the subgrantee prepare the EEOP Utilization Report?

If yes, on what date did the subgrantee submit the EEOP Utilization Report **to the KGGP**?

- **Subgrantees are no longer required to submit the EEOP Verification Form or EEOP Utilization Report to the Department of Justice Civil Rights Division.**
- If a Subgrantee is exempt from preparing and submitting an EEOP Utilization Report as stated in 1, then 2 will not apply.

# Updates and Changes Civil Rights Checklist

<input type="checkbox"/>	The name and title of the subgrantee's civil rights liaison.
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# New EEOP Subgrantee Report Builder

## **STEP ONE**

**Prepare a  
Verification Form**

## **STEP TWO**

**Complete a  
Utilization Report  
(if necessary)**

## **STEP THREE**

**Submit to KGGP**



# Resources

## EEOP Process Training

**KGGP GUIDANCE: *KGGP Civil Rights EEOP Requirement.***

\*This document can also be found on the KGGP website.

**EEOP Report Builder: OCR – EEOP (ojp.gov)**

**Subgrantee User Guide “EEO Subrecipient Report Tool Job Aid”:  
*EEOSubrecipientReportTool JobAid (ojp.gov)***

Recommend using Internet Explorer 11 (You may experience compatibility issues when using Google Chrome or Mozilla Firefox)

# Equal Treatment for Faith-Based Organizations

DOJ Regulations: FBO guidance  
(revised January, 2022)

- FBOs must not use direct federal funding to engage in explicitly religious activities.
- Explicitly religious activities:
  - Must be separate in time or location from federally-funded activities; and
  - Must be voluntary for those participating in the federally-funded activities.
- FBOs may not discriminate against beneficiaries based on religion, a religious belief, a refusal to hold a religious belief, or a refusal to participate in a religious practice.

# Limited English Proficiency

Subgrantees are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Subgrantees should conduct an individualized assessment that balances the following four factors:

The number or proportion of LEP persons eligible to be served or likely to be encountered by the program;

The frequency with which LEP individuals come in contact with the program;

The nature and importance of the program, activity, or service provided by the program to people's lives; and

The resources available to the Subgrantee, and costs.

# Limited English Proficiency

Subgrantees are required to develop a written policy

## Five Topics to Include:

Process for  
Identifying  
LEP persons

Availability  
of language  
assistance  
tools:  
Interpreter,  
translator,  
language  
line

Process for  
notifying  
LEP persons  
of available  
and free  
services

Annual  
training for  
ALL staff

Annual  
review and  
updates

# Limited English Proficiency

## Department of Justice Safe Harbor

A Subgrantee will be considered in compliance with its obligation to provide written materials in non-English language if:

(a) The Subgrantee provides written translations of vital documents for each eligible LEP language groups that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the Subgrantee does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral translation of those written materials, free of cost.

# Limited English Proficiency Resources

## Federal Guidance

- *“Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against national Origin Discrimination Affecting Limited English Proficient Persons”*
  - 67 C.F.R. 41466
  - [www.lep.gov](http://www.lep.gov)

## Language Access Tips and Training

- <https://www.grants.ks.gov/helpful-resources/limited-english-proficiency>

US DOJ – Civil Rights Division

[2015 Language Map App | LEP](#)

[Census LEP Data by County.xlsx \(ks.gov\)](#)

# KGGP Website

Visit the KGGP website at  
[www.grants.ks.gov](http://www.grants.ks.gov)  
for information on grant management.

- Grant Opportunities
- Resources – Managing a Grant Award\*
- Resources – Civil Rights Information
- Kansas Academy for Victim Assistance (KAVA)



**Kansas Governor's Grants Program**

**[kggp@ks.gov](mailto:kggp@ks.gov)**

**Voice: 785-291-3205**

**Fax: 785-291-3204**

**Primary Contact: KGGP Analyst contact information in  
grant award notice**

**[Civil Rights Training Link](#)**